

# CITY OF HAYWARD

## AGENDA REPORT

AGENDA DATE 03/12/02

AGENDA ITEM 3

WORK SESSION ITEM           

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Summary Vacation of a Portion of Valle Vista Avenue

### RECOMMENDATION:

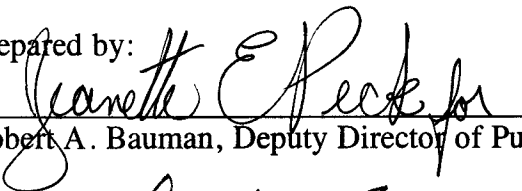
It is recommended that the City Council adopt the attached resolution that summarily vacates that portion of Valle Vista Avenue no longer needed for street purposes.

### DISCUSSION OR BACKGROUND:

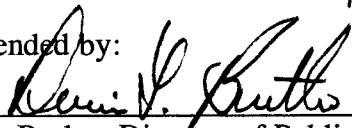
The owner (Mr. Tom Klingenberg) of the parcel of land between Pacific Street and the Union Pacific Railroad has requested that we vacate the portion of Valle Vista Avenue shown on the attached plat. This vacation would clear up and eliminate any cloud of title that may appear in the public records. Mr. Klingenberg is in the process of developing this property.

This portion of Valle Vista Avenue was never dedicated, nor has it ever been improved. The portion proposed for vacation was placed upon the County Assessor's Parcel Maps and has been considered a roadway easement for about 90 years. This portion has never been used as a street and it contains no public utilities. It has been fenced and occupied by the owners of the land over which it extends, and the City has no plans to accept the easement or to construct any facilities on, over, along, under, or through it. Vacation will eliminate any City interest in the parcel and will allow for full and proper development of the adjoining parcels of land.

Prepared by:

  
Robert A. Bauman, Deputy Director of Public Works

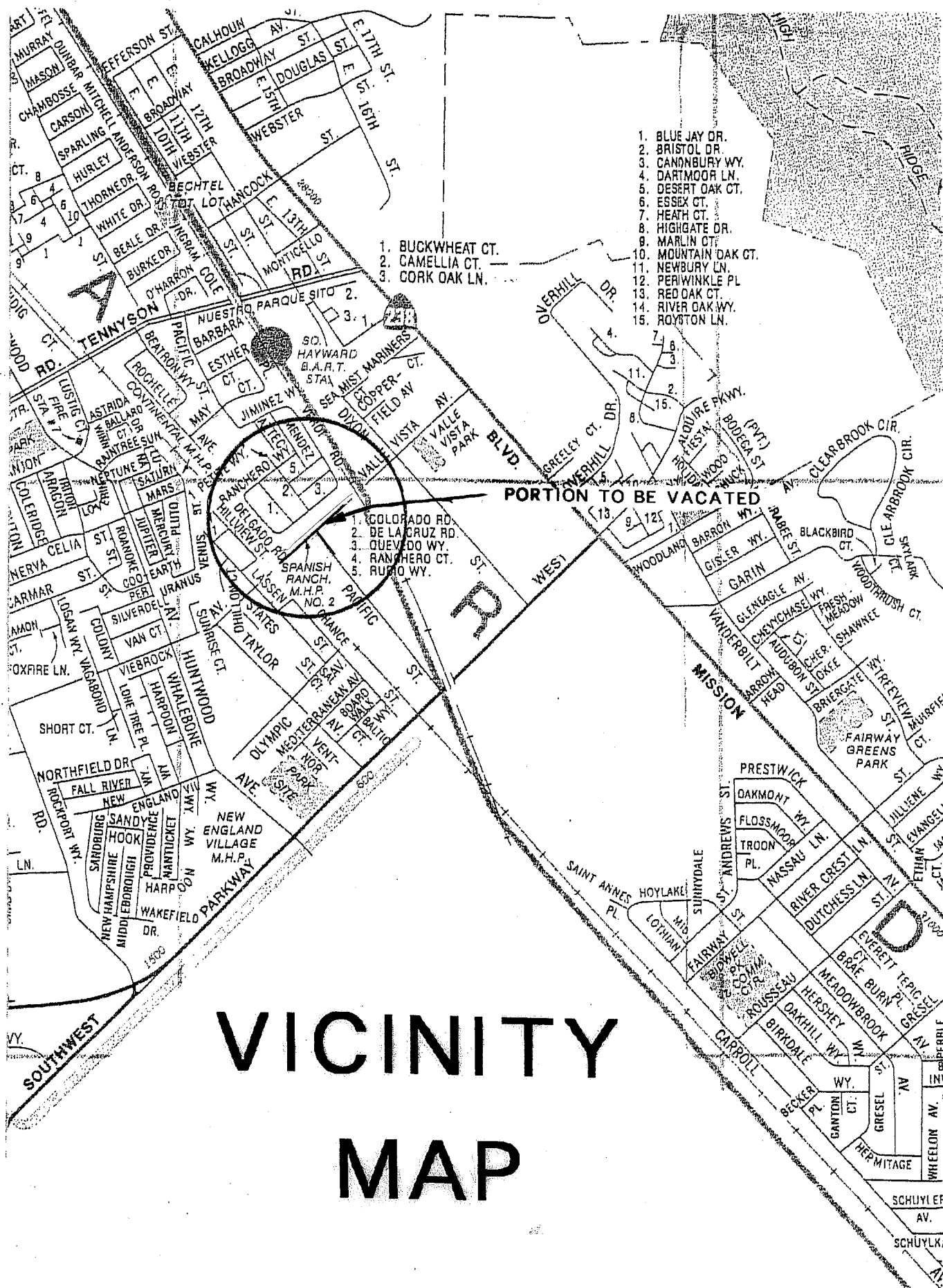
Recommended by:

  
Dennis L. Butler, Director of Public Works

Approved by:

  
Jesús Armas, City Manager

Exhibits: A: Vicinity Map  
B: Legal Descriptions  
C: Plat



# VICINITY MAP

Exhibit A

## EXHIBIT "A"

**REAL PROPERTY** in the City of Hayward, County of Alameda, State of California, described as follows:

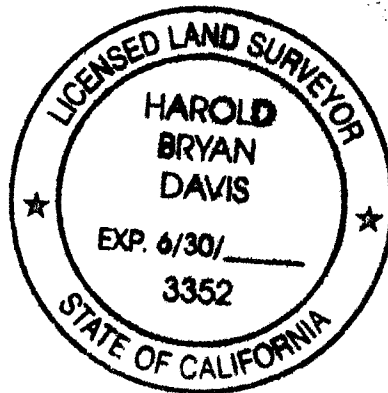
**PORTION** of Valle Vista Avenue, a non-dedicated, 40.00 feet in width, lying on each side of the following described centerline:

**BEGINNING** at the intersection of the northeastern line of the Union Pacific Railroad, formerly the Southern Pacific railroad, formerly the central Pacific Railway, Right-of-Way, 100.00 feet wide, with the southwesterly prolongation of the northwestern line of the parcel of land described in the Grant Deed from All Counties Express, Inc., a California corporation, to Pro-Flame, Inc., an Oklahoma corporation, dated April 21, 1988 and recorded April 29, 1988 in Official Records of Alameda County under County Recorder's Series No. 88-103495; thence along said prolongation, said northwestern line and the northeasterly prolongation thereof, being the centerline of said Valle Vista Avenue, North  $47^{\circ} 55' 51''$  East, 945 feet, more or less, to the intersection thereof with the southwestern line of the Union Pacific Railroad, formerly the Western Pacific Railway, Right-of Way, 80.00 feet wide.

**EXCEPTING** therefrom any portion thereof which lies within the existing Right-of-Way of Pacific Street, a public street, as it presently exists.

May 11, 2001

*Harold B. Davis*  
Harold B. Davis, P.L.S. 3352  
License expires 6/30/2004



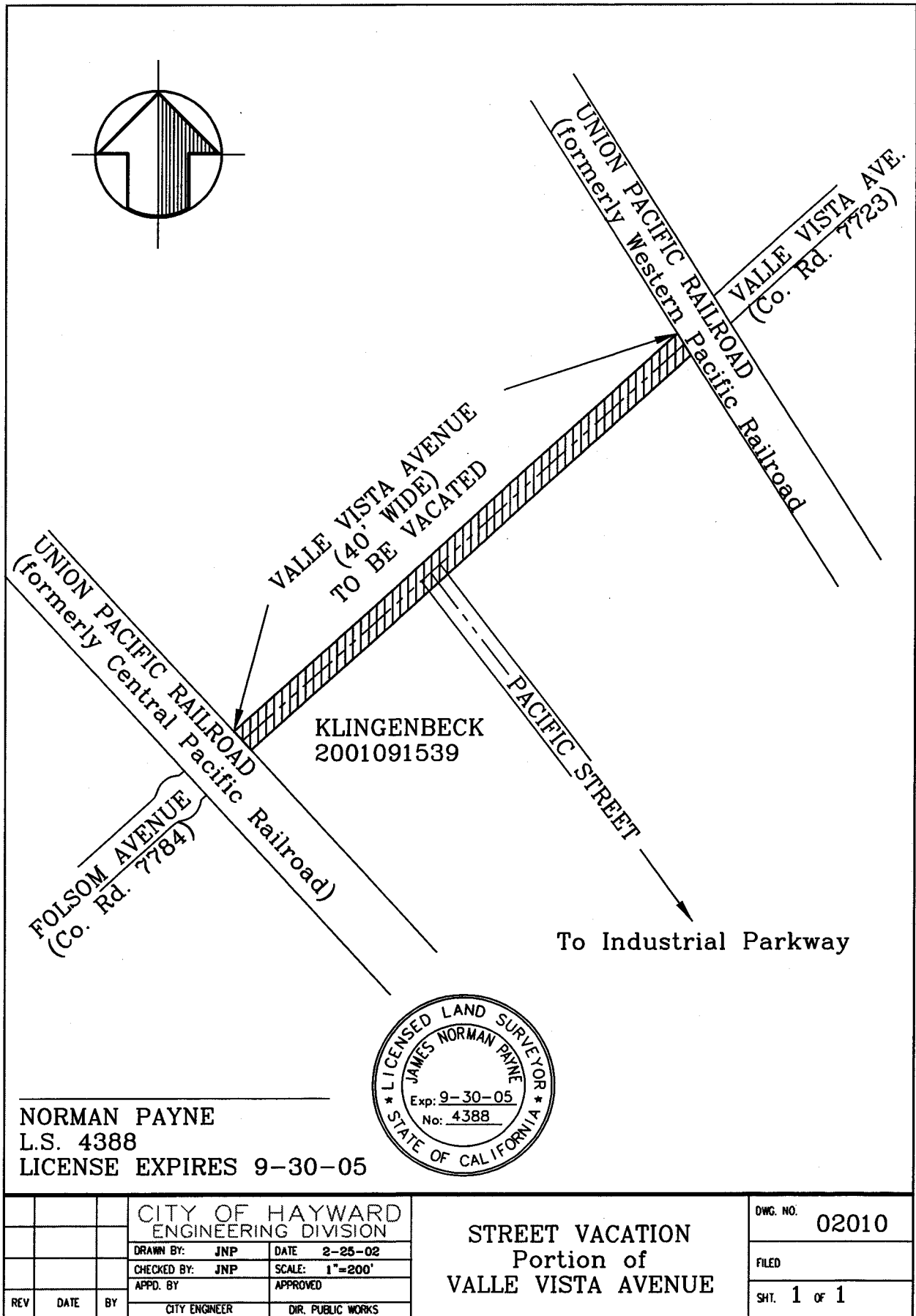


Exhibit C

**DRAFT**

HAYWARD CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION SUMMARILY VACATING A PORTION OF  
VALLE VISTA AVENUE

WHEREAS, the owner of the parcel of land located on Valle Vista Avenue between Pacific Street and the Union Pacific Railroad is in the process of developing this parcel of land for commercial use and has requested that the City vacate that portion of Valle Vista Avenue to clear up any cloud of title that may appear in public records; and

WHEREAS, the Director of Public Works has advised that this portion of Valle Vista Avenue, which first appears in 1916 on the map entitled "Subdivision of a Portion of Smith Shooting Lodge Properties," as more particularly described in the attached Exhibit "A," is no longer needed for street purposes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that, pursuant to California Streets and Highways Code section 8334(a), it is hereby ordered that the portion of Valle Vista Avenue as described in Exhibit "A" attached hereto and made a part hereof, is hereby vacated and the City Clerk is authorized and directed to cause a certified copy of this resolution to be recorded in the office of the County Recorder of Alameda.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2002

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward